



## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** MARIA S. CADAVID, AICP, CSBA, SENIOR PLANNER  
480-503-6812, MARIA.SUNIGA-CADAVID@GILBERTAZ.GOV

A handwritten signature in blue ink, appearing to read "M.S. Cadavid".

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

A handwritten signature in blue ink, appearing to read "C. Lorbeer".

**MEETING DATE:** MARCH 5, 2014

**SUBJECT:** UP13-22; A CONDITIONAL USE PERMIT TO ALLOW A CONGREGATE LIVING FACILITY, FOR APPROXIMATELY 3.9 ACRES OF REAL PROPERTY, LOCATED NORTH AND EAST OF THE NORHTEAST CORNER OF LINDSAY AND WILLIAMS FIELD ROAD, IN THE COMMUNITY COMMERICAL (CC) ZONING DISTRICT.

**STRATEGIC INITIATIVE:** Community Livability

The developer proposes a service use that is a compatible transition between the existing commercial and residential uses

### RECOMMENDED MOTION

Make the Findings of Fact and Approve UP13-22: A request for a Conditional Use Permit to allow a Congregate Living Facility in the Community Commercial (CC) zoning district, on an approximate 3.9 acre area located north and east of the northeast corner of Lindsay and Williams Field Road in the Lindsay Square commercial development.

## **APPLICANT/OWNER**

Company:	Iplan Consulting	Company:	Lindsay Square Care Center
Name:	Greg Davis		LLC
Address:	4387 E. Capricorn Place	Address:	1829 S. Horne
	Chandler, AZ 85249		Mesa, AZ 85204
Phone:	480-227-9850	Phone:	480-558-7176
Email:	iplangd@cox.net	Email:	PG@swbaz.com

## **BACKGROUND/DISCUSSION**

### **History**

Date	Action
<i>April 18, 1989</i>	Town Council approved Z88-17, adopting Ordinance No. 628, including this property as part of a larger rezoning, Lindsay and Williams Field Roads PAD. (A time extension was granted with Z91-05, Ordinance No. 716).
<i>April 1, 1997</i>	Town Council approved Z96-29, adopting Ordinance No. 1021, amending Ordinance No. 628 and modifying zoning districts and the Master Site Plan.
<i>August 6, 2008</i>	Planning Commission recommended approval to the Town Council for GP08-09 and Z08-14 but it was tabled at Town Council on September 9, 2008, upon the Clerk's office receiving a petition for a legal protest that conformed to the requirements for a majority vote by the Town Council.
<i>December 4, 2013</i>	The Planning Commission reviewed these applications at study session.
<i>January 8, 2014</i>	The Planning Commission continued GP13-17/Z13-29.
<i>February 5, 2014</i>	The Planning Commission recommended to the Town Council approval of GP13-17 and Z13-29 subject to conditions.
<i>March 6, 2014</i>	The Town Council will be presented with the applications for GP13-17 and Z13-29 for action.

### **Overview**

The applicant processed a minor General Plan amendment (GP13-17) and a rezoning with a Planned Area Development (Z13-29) to bring a viable use to an infill parcel surrounded by existing commercial and residential development. The distance separation of over 500 feet from Lindsay Road and 275 feet from Williams Field Road has over the years significantly limited the types of feasible nonresidential uses due to the lack of visibility to the site. The physical constraints presented by the siting of this parcel made a good case for the developer who proposes a Congregate Living Facility as a viable use within Community Commercial (CC).

**Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning District</b>
North	Residential > 2-3.5 DU/Acre	Single Family-7 (SF-7) PAD
South	Neighborhood Office (NO)	Neighborhood Office (NO) PAD
East	Residential > 2-3.5 DU/Acre	Single Family-7 (SF-7) PAD
West	Community Commercial (CC)	Community Commercial (CC) PAD
Site	Neighborhood Office (NO)	Neighborhood Office (NO) PAD

**Project Data Table**

Gross Site Acreage	Existing	Proposed
Zoning	Neighborhood Office (NO)	Community Commercial (CC)
Maximum Size of Use or User (sq. ft.)	50,000 square feet	80,000 square feet
Maximum Building Height (ft.)/(Stories)	35' / 2 (height/stories)	35'
Minimum Setbacks (ft.)		
Front	20'	60'
Side (Residential)	25'	90'
Rear (Residential)	40'	91'-8"
Side (Nonresidential)	15'	81'-6"
Minimum Required Perimeter Landscape Area (ft.)		
Side (Residential)	25'	30'
Side (Non-Residential)	15'	15'
Rear (Residential)	30'	30'
Landscape (% of net lot area)	15%	36%
Off-Street Parking and Loading	45 spaces	95 spaces

**PUBLIC NOTIFICATION AND INPUT**

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

The applicant held a neighborhood meeting on August 21, 2013 at 6:00 p.m. at Spectrum Elementary School, 2843 South Spectrum Way. It was attended by five (5) property owners; the applicant's consulting team and staff.

Questions included the following comments/concerns:

- What and how this type of facility operates?
- Type of trees in the landscape setback to not litter backyards
- Building setbacks

- Support of the use because they often see teens hanging out in the empty field
- Reason for changing the development plan from the original single-story proposal
- Single-story facilities of this type don't lack patrons, they're all doing well. Why the need for a two-story facility besides making more money?

On January 7, 2014, Ms. Charlotte Harmon contacted staff and stated she lives in the neighborhood and was involved in the Legal Protest procedure filed prior to the Town Council meeting in September 2008. She indicated being opposed to changing the zoning district designation from Neighborhood Office (NO) to any other district.

At the Planning Commission public hearing, two people from the neighborhood attended the meeting expressing their support for the entitlement request. Since then, staff has not received any comments.

### **PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the town of Gilbert Land Development Code. This waiver is located in the case file, UP13-22.

### **CONFORMANCE WITH GENERAL PLAN**

The subject site is currently Neighborhood Office in the Town's General Plan. The applicant is undergoing concurrently with this application, the entitlement for a minor General Plan amendment and rezoning request to change the land use classification and zoning district designation from Neighborhood Office (NO) to Community Commercial (CC), where the requested use is permitted subject to the approval of a Conditional Use Permit. If approved, the proposed use permit for a Congregate Living Facility will conform to the General Plan land use category of Community Commercial (CC)

### **FINDINGS**

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed herein, along with the reasons why staff is of the opinion that the findings are met in this case. These findings are:

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.***

The Lindsay Square Care Center constitutes a new use on the site, which is allowed in the pending Community Commercial (CC) zoning district subject to the approval of a Conditional Use Permit. The Development Plan for the entitlement is very specific and illustrates standards that with the exception of the facility's size, far exceed the separation between the proposed facility and the existing residential dwelling units to the north and east. Standards in excess of the minimum requirements maximize the landscape buffer and any sight encroachment between the uses. Staff is of the opinion that the Congregate Living Facility as proposed will not be detrimental to the health, safety or general welfare of persons living or working in the vicinity.

***2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.***

The proposed use conforms to the General Plan goals for the Growth Areas of the General Plan since it promotes a commercial development that is designed to be compatible with the adjacent land uses, proposing the type of use adjacent to residential that is appropriate in intensity to serve the local community and the regional need for Congregate Living Facilities. Staff is of the opinion that the proposed use meets the intent of the Land Use and Growth Areas in the General Plan.

***3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.***

Although the subject site is pending zoning approval by the Town Council on March 6, 2014 to change the zoning district designation from Neighborhood Office (NO) to Community Commercial (CC) to be able to propose this Congregate Living facility, the Planning Commission issued a unanimous favorable recommendation of zoning approval at the February 5, 2014 meeting. Staff presented the Commission with the development standards proposed for setbacks, height, landscape perimeter buffer area that exceed the minimum requirements with the exception of the facility's size (80,000 vs. 50,000 square feet, subject of the Planned Area Development - PAD amendment). The proposed standards illustrate the compatible nature of the design and the efforts by the developer to fit the proposed use in the surrounding residential context and the commercial/office uses to the south and west.

***4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.***

Staff is of the opinion that the use permit request for a *Congregate Living Facility* use at this location does not unreasonably impact or interfere with the use and enjoyment of neighboring properties since the siting of the buildings, landscape buffer, setbacks, parking fields and articulation of the elevations are designed in manner to mitigate any of the potential impacts on adjoining existing uses. All the required development standards for the Community Commercial (CC) district as amended are met by the development plan of the proposed use.

Based on the analysis of the findings above, staff is of the opinion that the proposed use, Lindsay Square Care facility, meets the four findings required for granting the Conditional Use Permit.

**STAFF RECOMMENDATION**

Move to make the findings of fact and approve UP13-22, a Conditional Use Permit to allow a Congregate Living Facility, Lindsay Square Care Center, on approximately 3.9 acres of property located north and east of the northeast corner of Lindsay and Williams Field Road in the Community Commercial (CC) zoning district as requested, subject to conditions:

1. The Project shall be in substantial conformance with the site plan, landscape plan and elevations details shown on the Exhibits noted under Attachment #3.
2. Approval of the Use Permit is subject to the approval of the minor General Plan amendment (GP13-17) and rezoning request (Z13-29) by the Town Council.

Respectfully submitted,

A handwritten signature in dark ink, reading "Maria S. Cadavid". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maria S. Cadavid, AICP, CSBA  
Senior Planner

**Attachments:**

1. Findings of Fact
2. Notice of Public Hearing
3. Site Plan/Landscape
4. Elevations

## **FINDINGS OF FACT**

**UP13-22**, Lindsay Square Care Center, proposed north and east of the Northeast corner of Lindsay and Williams Field Roads zoned (pending) Community Commercial (CC).

Staff provides the following findings of facts, subject to the conditions of approval provided below, to substantiate approval of the project:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

# Notice of Public Hearing

UP13-22: Lindsay Square Care Center  
Attachment 2: Notice of Public Hearing  
March 5, 2014

**Planning Commission Date:**

**Wednesday, March 5, 2014\* TIME: 6:00 PM**

**LOCATION: Gilbert Municipal Center, Council Chambers**  
**50 E. Civic Center Drive**  
**Gilbert, Arizona 85296**

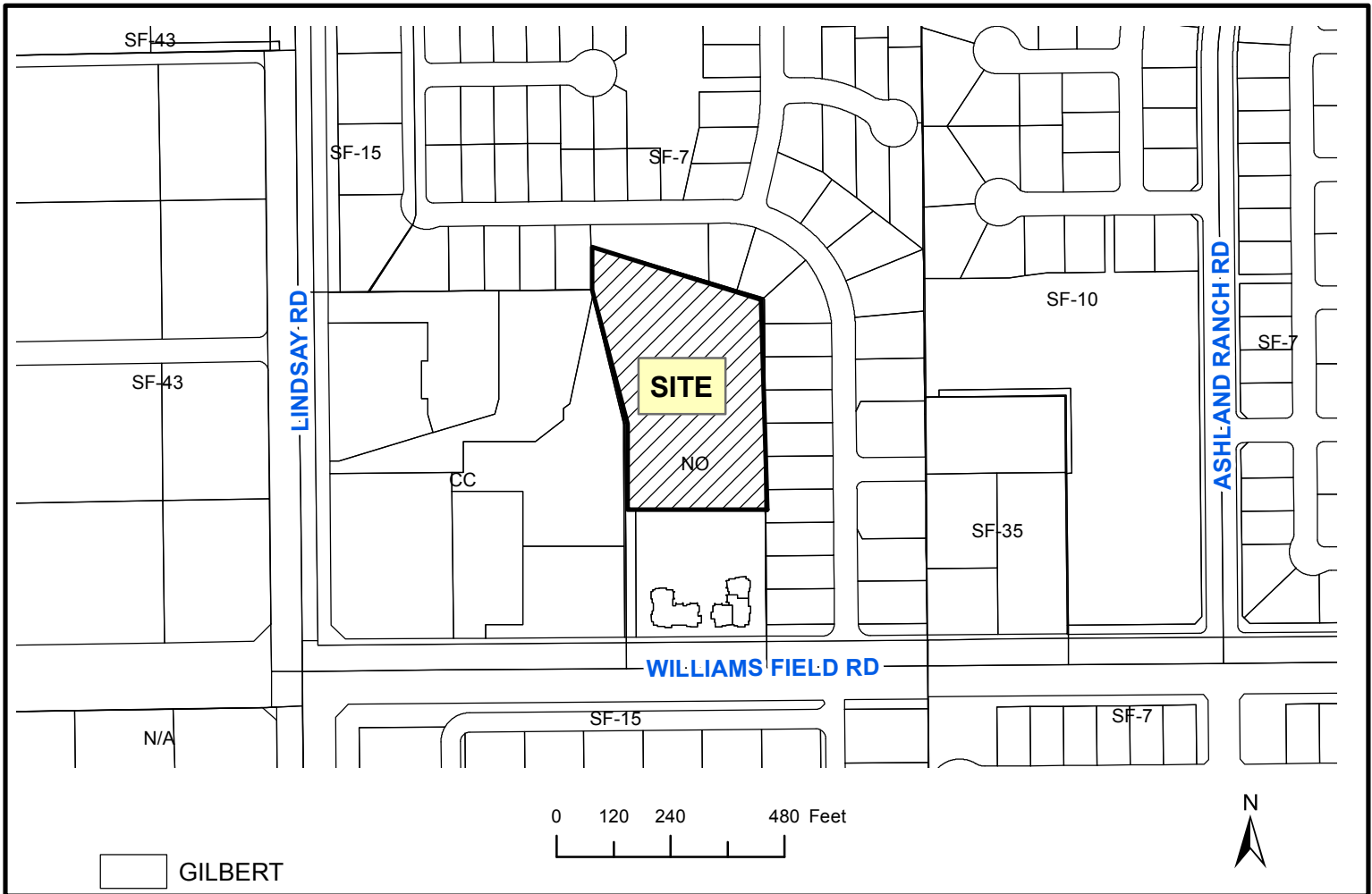
**\* Call Planning Department to verify date and time: (480) 503-6700**

## **REQUESTED ACTION:**

UP13-22 Lindsay Square Care Center: Request to approve a Conditional Use Permit for approximately 3.9 acres of real property located north and east of the northeast corner of Lindsay and Williams Field Roads to allow a Congregate Living Facility in the Community Commercial (CC) zoning district, subject to conditions.

\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

## **SITE LOCATION:**



**APPLICANT: Iplan Consulting**  
**CONTACT: Greg Davis**  
**ADDRESS: 4387 East Capricorn Place**  
**Chandler, Arizona 85249**

**TELEPHONE: (480) 227-9850**

**E-MAIL: Iplangd@cox.net**

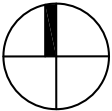
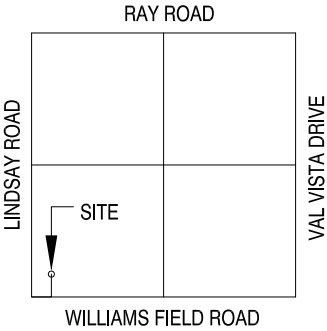


SITE DATA

3.816 GROSS ACRES, 167,728 S.F. (GROSS AREA)  
3.814 NET ACRES, 166,152 S.F. (NET AREA)  
EXISTING GENERAL PLAN : NO  
PROPOSED GENERAL PLAN : CC, WITH PAD FOR CONGREGATE LIVING FACILITY  
EXISTING ZONING : NS  
PROPOSED ZONING : CC  
PROPOSED SIZE: 2 STORIES, 79,869 S.F.  
PROPOSED FOOTPRINT: 44,852 S.F.  
PROPOSED LOT COVERAGE = 26.7%  
RETENTION & LANDSCAPE BUFFER AREAS: 60,554 S.F., 36 % OF GROSS SITE AREA  
36 MEMORY CARE BEDS  
45 ASSISTED CARE UNITS, (10) STUDIOS, (24) 1 BR, (11) 2 BR = 45 UNITS  
92 BEDS TOTAL  
DENSITY= 25 BEDS PER ACRE  
PARKING REQUIREMENTS: .5 STALLS/BED= 46 STALLS  
PARKING PROVIDED: 91 STALLS  
HEIGHT LIMIT IS 35'-0" TO THE MIDPOINT OF THE PITCHED ROOF  
MAXIMUM HEIGHT PROPOSED = 34'-10"  
ALL SITE DRAINAGE WILL BE DIRECTED TO RETENTION AREAS  
NO PROJECT PHASING IS REQUIRED  
UTILITIES ARE OFF OF WILLIAMS FIELD RD.

LINDSAY SQUARE CARE CENTER  
FOR: LINDSAY SQUARE CARE CENTER, LLC

SCALE: 1" = 40'  
9/3/13  
REVISED 12/02/13  
REVISED 2/17/14  
VICINITY MAP  
SECTION 29, T1S, R6E



PLANS ARE NOT TO BE  
REPRODUCED, ALTERED  
OR COPIED IN ANY FORM  
OR ASSIGNED TO ANY  
THIRD PARTY WITHOUT  
WRITTEN APPROVAL BY  
A. DAVID GIBSON,  
ARCHITECT, LLC.

2156 E. VIRGINIA ST. MESA, AZ 85218  
(480) 330-7192



LINDSAY SQUARE  
CARE CENTER, LLC

USE PERMIT/SITE PLAN EXHIBIT

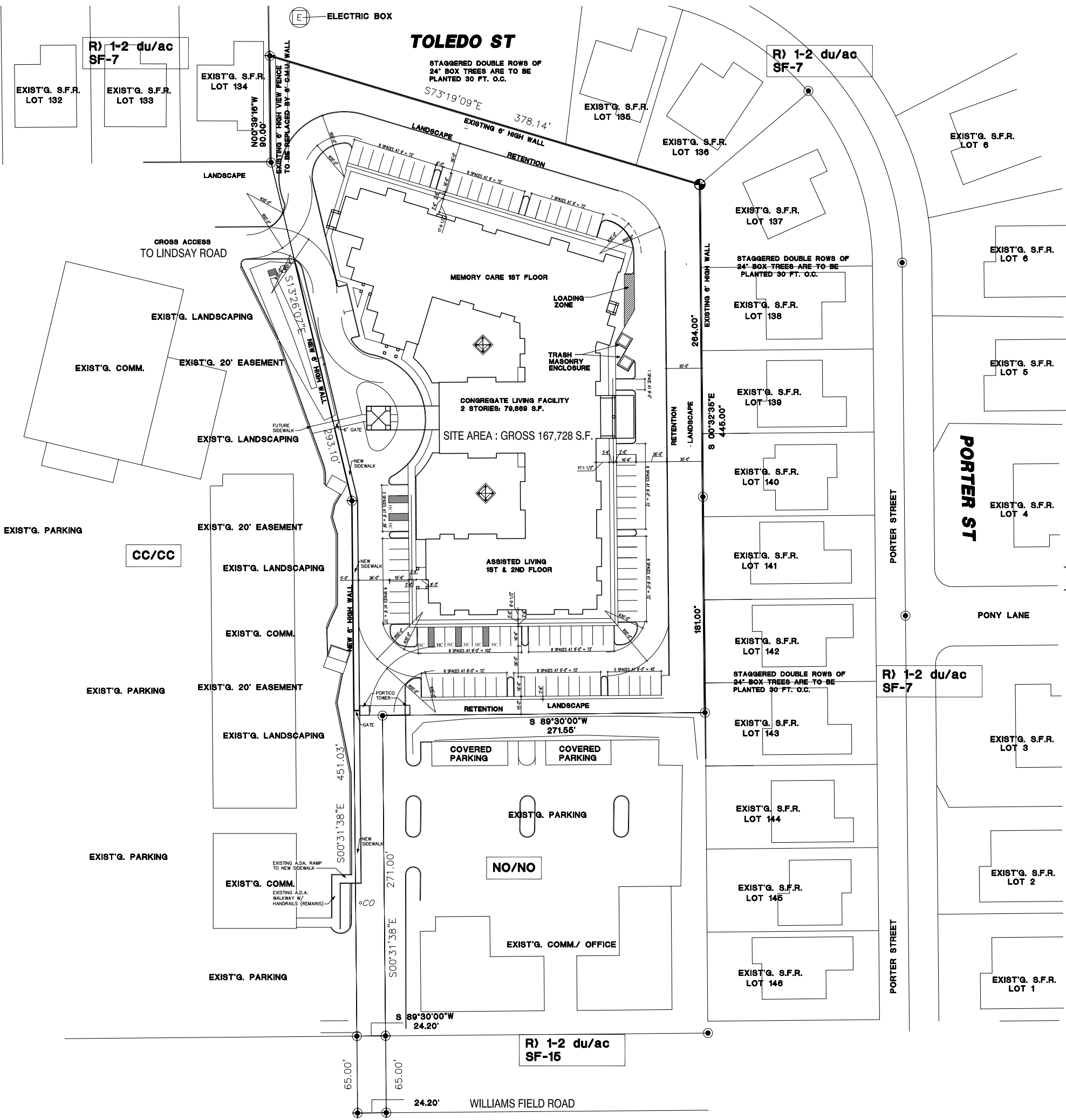
REVISIONS

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PLOT DATE: 12/02/13

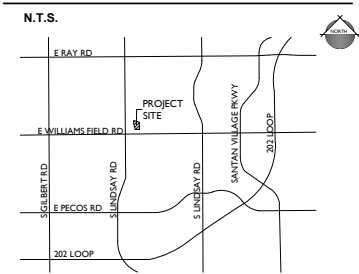
SHEET NO.

A1.0





VICINITY MAP



PROJECT DATA

GROSS AREA: +/- 3.816 ACRES (167,728 SF)  
NET AREA: +/- 3.814 ACRES (166,152 SF)  
  
LANDSCAPE PLANTING: 46,675 SF  
TURF: 1,324 SF  
TOTAL LANDSCAPE AREA: 47,999 SF

KEYNOTES

- 1 PORTICO TOWER (SEE ARCHITECTURE)

2 ENTRY PLAZA

3 DECORATIVE PEDESTRIAN CROSSING

4 ENTRY WATER FEATURE

5 DINING AREA WATER FEATURE

6 6' HIGH NEW DECORATIVE WALL

7 EXISTING 6' DECORATIVE WALL

8 DECORATIVE PAVING

9 TRASH ENCLOSURE AREA
- 10 PARKING

11 HANDICAP ACCESSIBLE PARKING

12 BIKE RACK AREA

13 RETENTION AREA

14 MEMORY CARE COURTYARD GARDEN

15 ASSISTED LIVING COURTYARD GARDEN

PLANT LEGEND

SYMBOL	SCIENTIFIC NAME	COMMON NAME
TREES		
	Acacia farnesiana	Sweet Acacia
	Bauhinia variegata	Purple Orchid Tree
	Chitalpa tashkentensis 'Pink Dawn'	Chitalpa
	Citrus Species	Citrus Species
	Fraxinus velutina 'Fan Tex'	Fan Tex Ash
	Parkinsonia hybrid 'Desert Museum'	'Desert Museum' Palo Verde
	Pistacia chinensis	Chinese Pistache
	Prosopis hybrid 'Phoenix'	'Phoenix' Mesquite
	Quercus virginiana 'Heritage'	'Heritage' Live Oak
	Sophora secundiflora	Texas Mountain Laurel
	Ulmus parvifolia 'Emer II'	Allee Elm
	Vitex angus-castus	Chaste Tree
	Existing Tree	

SHRUBS/ACCENTS

SYMBOL	COMMON NAME
	Indian Mallow
	Agave
	Aloe Vera
	Milkweed
	Woolly Butterfly Bush
	Bulbine
	Fairy Duster
	'Little John'
	Toothless Sotol
	'Valentine' Emu Bush
	'Boothill'
	'Whirling Butterflies' Gaura
	'Brakeleights' Red Yucca
	Chuparosa
	Green Cloud Texas Sage
	'Sierra Bouquet' Sage
	'Regal Mist' Muhly
	Deer Grass
	'Nashville' Muhly
	Dwarf Myrtle
	Heavenly Bamboo
	Lady's Slipper
	Ruellia
	Chapparral Sage
	Mexican Bush Sage
	'Gold Star' Yellow Bells

GROUNDCOVERS

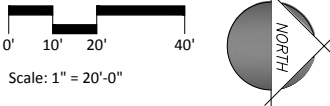
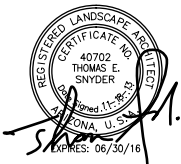
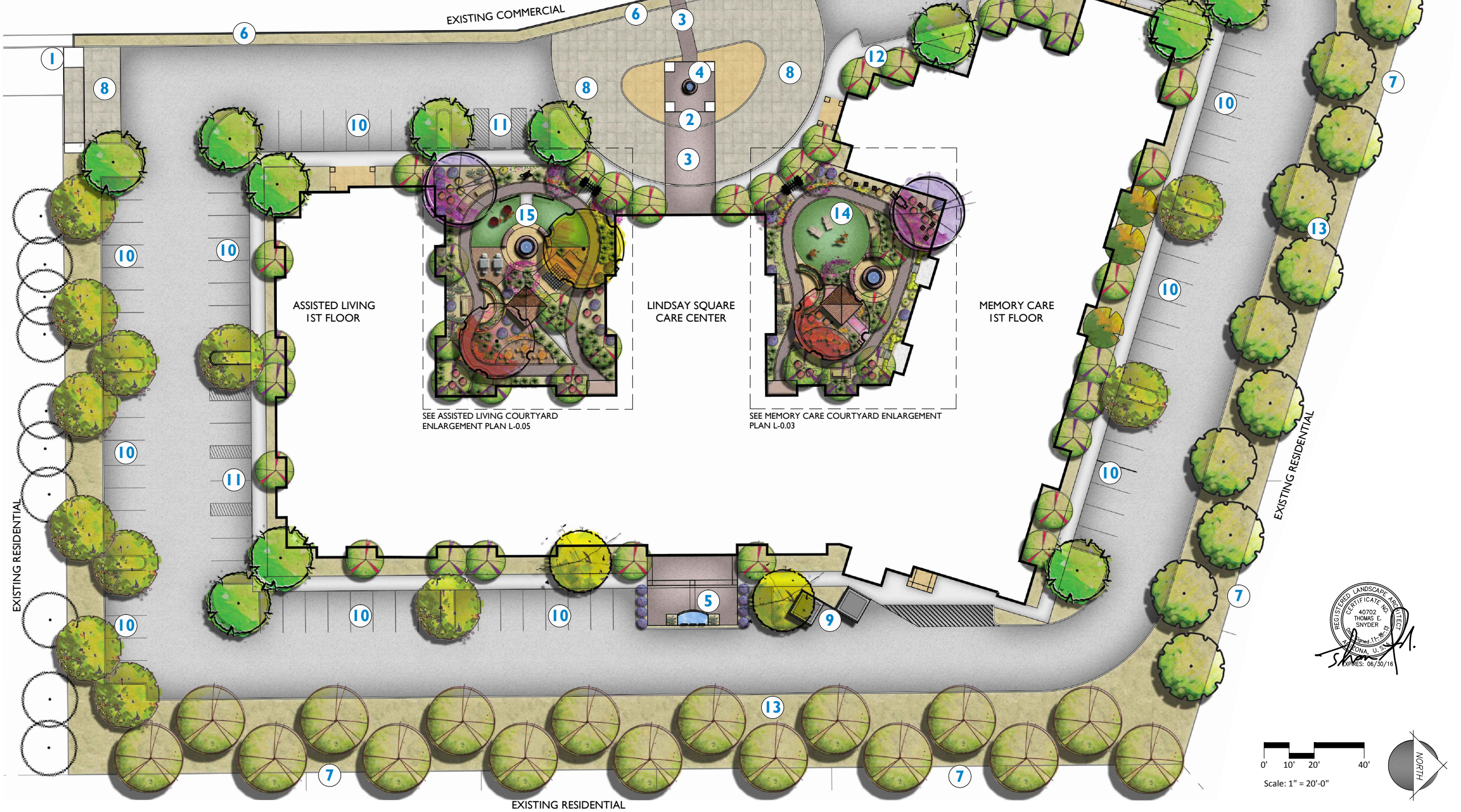
SYMBOL	COMMON NAME
	Bush Morning Glory
	'Sierra Gold' Dalea
	'New Gold' Lantana
	Purple Trailing Lantana
	Evening Primrose
	Prostrate Rosemary
	'Katie' Ruellia

VINES

SYMBOL	COMMON NAME
	'Barbara Karst' Bougainvillea
	Lavender Starflower
	White Lade Bank's Rose
	Star Jasmine

TURF

SYMBOL	COMMON NAME
	Tifway 419







WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

LINDSAY SQUARE CARE CENTER  
ELEVATIONS  
FOR: LINDSAY SQUARE CARE CENTER, LLC  
BY: A. DAVID GIBSON, ARCHITECT, LLC  
11/14/13